

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: A. Renirie et al.

Examiner: G. Evanisko

Serial No.: 08/937,443

Group Art Unit: 3737

Filed : September 25, 1997


Docket: P-4782

Title: SYSTEM AND METHOD FOR RESPIRATION - MODULATED PACING

DATE OF DEPOSIT: DECEMBER 8, 1999

CERTIFICATE OF FACSIMILE TRANSMISSION: I hereby certify that this paper and the paper(s), as described herein, is being facsimile transmitted to the United States Patent and Trademarks Office at facsimile number 703 308 0758 on the date shown above.

Signature

Printed Name Mary D'Lazarus

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed September 8, 1999, finally rejecting claims.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

☒ other than a small entity.☐ a small entity.

A verified statement

☐ is attached.☐ was already filed on _____.**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is:

☐ small entity.....\$150.00☒ other than a small entity.....\$300.00Notice of Appeal fee due \$ 300.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d) . (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings). (complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,470.00	\$735.00

Fee \$__

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 300.00

Extension fee (if any) \$

TOTAL FEE DUE \$ 300.00

5. FEE PAYMENT

☐ Attached is a check in the sum of \$ _____.

☒ Charge Account No. 13-2546 the sum of \$300.00.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

☒ If any additional extension and/or fee is required, charge Account No. 13-2546.

AND/OR

☒ If any additional fee for claims is required charge Account No. 13-2546.

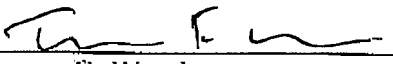
Respectfully submitted,

A. Renirie et al.

By one of their attorneys,

Date

12-8-99


Thomas F. Woods

Reg. No. 36,726

MEDTRONIC, INC.

7000 Central Avenue, N.E.

Minneapolis, Minnesota 55432

Telephone: (612) 574-3652 (voicemail)

011 31 43 356 6845 (direct)